(26)

A.F.R.

04-09-2006

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ

W.P. (C)No.4757 of 2006

PETITIONER Bijay Kumar Gupta S/o B.P. Gupta
Aged about 42 years
P.O. Tapkara, Distt. Jashpur (C.G.)

VERSUS

RESPONDENT State of Chhattisgarh
Through – Secretary
Transport Department
D.K.S. Bhawan, Raipur (C.G.)

Present: Shri Ajay Shrivastava, learned counsel for the petitioner.
Shri Yashwant Singh, learned Govt. Adv. for the State.

ORAL ORDER
(Passed on 04th September, 2006)

This is a totally frivolous and misconceived writ petition. The facts of the case, in brief, are as follows :-

The State Government of Chhattisgarh issued a notification on 08-12-2005 proposing certain amendments in Motor Vehicle Rules calling for objections / suggestions, if any, from the public at large and affected persons. It is stated that in response to that notification, the petitioner submitted his objections on 13-12-2005. When the matter stood thus, this writ petition is filed for a direction to the respondent-State to consider the objections filed by the petitioner, within two weeks.

(2) Issuing mandamus to the respondent-State to consider the objections filed by the petitioner would not arise at this stage unless it is shown that the Government has amended the rule or is about to amend the rule without considering the objections of the petitioner. That is not the case of the petitioner. Under no circumstance, mandamus or directions shall be issued to the State Government to amend the rule or

to exercise the rule-making power in a particular way, simply because, the Government has issued notification calling for objections / suggestions from the public at large and affected interest. From that fact itself, it could not be said that the State Government would amend the rule without considering the objections. Alternatively, it needs to be noticed that simply because the State Government has called for objections / suggestions from the public at large and interested persons, that circumstance itself would not oblige the State Government to amend the rule as a matter of legal obligation. Such a duty cannot be culled-out from the statute under which the Government intends to exercise the rule-making power or any other public law statute. The writ petition is devoid of merit, premature as well as misconceived and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Srabb 4